

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

Terence Banks,
Plaintiff

V.

Case No.14-cv-00381

Nurse Leslie, et al.,
Defendant's.

PLAINTIFF'S SUPPLEMENTAL PROPOSED FINDINGS OF FACT'S, FOR HIS
OPPOSITION TO SUMMARY JUDGMENT.

NOW COMES, the Plaintiff, Terence Banks, hereby submitting his
~~supplemental proposed findings of fact's~~ supplemental proposed findings of fact's as follows:

PLAINTIFF'S SUPPLEMENTAL PROPOSED FINDINGS OF FACT'S.

1. At all times relevant to this action the plaintiff (Banks) was a State County inmate housed at Racine Jail. (Compl. par. 1)
2. On 11/15/13, C.C. Castindina took me to 2D and asked Crist Robinson to help me with the things i couldn't do. This included changing my dressings. Because i had only (1) acm i had to accept this little help from another inmate. (Aff. of Terence Banks par. 4)
3. On 11/18/13, I, spoke with Defendant Coe about getting my dressing changed. He said he would get to it when he had time. It didn't happen that day. (Aff. of Terence Banks par. 5)
4. Throughout the month of November i had to get help from other inmates that were there at the jail and once (1) a week at most i would get the nurse to change my dressing but most of the time they would say that they are busy. (Aff. of Terence Banks par. 6)
5. On 11/24/13, i asked Defendant Coe why i didn't get my bandages changed, he stated that i was not a priority. (Aff. of Terence Banks par. 7)
6. On 11/25/13, Defendant Mehring seen me because i was having pain and she noted that i still had yellow drainage coming from my wounds, but did nothing. (Aff. of Terence Banks par. 8)
7. On 11/29/13, I asked Nurse Paula why i didn't get my bandages changed and she stated she didn't know why, and that she would check into it but did nothing. (Aff. of Terence Banks par. 9)
8. On 11/30/13, bandages were given to me to be changed by myself. (Aff. of Terence Banks Par. 10)
9. The defendant's at all times refused to help me wash my hands so that i could attempt to change my dressing myself. (Aff. of Terence Banks par. 11)
10. The Defendant's at all times refused to help me wash my hand a-

After I use the restroom.(Aff. of Terence Banks par. 12)

11. While being housed at Racine County Jail if I wanted my dressing changed I would have to pay a inmate in food trays to help me change my dressing.(Aff. of Terence Banks par. 13)

12. During this time when they had medication pass I would speak to the Defendant's asking them if they could help me change my dressing because I had other inmates helping me and that it was their job as medical staff to help me and I couldn't reach certain places at times when I had no one to help and hand was not clean when I was doing it.(Aff. of Terence Banks par. 14)

13. On 11/21/13, I went to a appointment at Frodtert Hospital and I was told that I could take showers, and was never on a shower restriction, but not to get my bandages wet when I got in the shower. (Aff. of Terence Banks par. 15)

14. On 12/3/13, Defendant Coe and I spoke at med. pass I asked him why I was not getting my dressing changed by medical staff and if he could change my dressing. He stated I thought that Mr. Robinson was changing your bandages. At that point it had been (2) days since my bandages had been changed.(Aff. of Terence Banks par. 16)

15. On 12/4/13, I offered to pay Mr. Robinson with canteen if he would help me everyday.(Aff. of Terence Banks par. 17)

16. On 12/4/13, For the first time I took a shower on 2D and the smell from my wounds were so bad that both Mr. Robinson and myself were bothered. I ended up falling in the shower and my wound reopened back up.(Aff. of Terence Banks par. 18)

17. On 12/5/13, I went to medical and the staff saw I had reopened the wound in my armpit, and the wound was treated with gauze.(Aff. of Terence Banks par. 19)

18. On 12/7/13, I spoke ~~with~~ to Defendant Coe about getting my bandages changed and Coe stated that we are trying to get you to medically change them yourself.(Aff. of Terence Banks par. 20)

19. On 12/8/13, Defendant Coe changed my bandages and noted that I had drainage coming from my arm.(Aff. of Terence Banks par. 21)

20. Then the next (2) days my bandages were not changed and I put in a slip asking for help to change my dressing and that there was green puss coming from my arm.(Aff. of Terence Banks Par. 22)

21. On 12/11/13, I seen Defendant Gane and she ordered daily bandages change.(Aff. of Terence Banks par. 23)

22. For the next (7) days I had green drainage coming from my arm and redness that was sore.(Aff. of Terence Banks par. 24)

23. On 12/18/13, I went to Frodtert Hospital and was told by Dr. Uppal that my arm might have to be reopened up because a possible

Infection in the armpit. And stated that this needs to be properly done otherwise this will continue to happen. Then he ordered daily wet-to-dry bandage change twice per day. (Aff. of Terence Banks par. 25)

24. On 12/19/13, my dressing was not changed, I asked Defendant Patton the next day why and she stated that though the medical order called for wet-to-dry dressing changes, they say a lot of things at Frodter. She only put gauze on the wound and said you'll be ok. (Aff. of Terence Banks par. 26)

25. On 12/9/13, I wrote Defendant Friend about me not getting my bandages changed according to the medical order. On 12/13/13, and I also wrote to Friend about Defendant Coe telling me to wash my own arm because it wasn't their job as medical to do that. No response. (Aff. of Terence Banks par. 27)

26. On 12/7/13, Defendant Coe refused to help me wash my arm at all. (Aff. of Terence Banks par. 28)

27. On 12/20/13, Defendant Patton finally did the wet-to-dry change the right way. I had to do the change like Dr. Uppal did, which meant stuffing the wound with gauze. (Aff. of Terence Banks par. 29)

28. On 12/21/13, bandages were not changed despite the orders by Defendant Coe and Dr. Uppal. (Aff. of Terence Banks par. 30)

29. On 12/22/13, Defendant Coe did not have the right gauze so he put grease gauze on my arm. I told him this is not wet-to-dry. He said that, that was all they had and then told the C.O. he was done. (Aff. of Terence Banks par. 31)

30. On 12/24/13, Defendant Coe refused to do wet-to-dry changes and stated the treatment was over with. (Aff. of Terence Banks par. 32)

31. On 12/25/13, the wet-to-dry changes wasn't being done anymore. I confronted Defendant Patton about this and also the fact that when it was done, it was wrong. And I explained that my wounds weren't getting better. She stated that she didn't have time for all that. (Aff. of Terence Banks par. 33)

32. On 12/26/13, Defendant Coe did the wet-to-dry bandage change. I confronted him about his statement that the order had expired. Defendant Coe did the change the right way this time, meaning that he stuffed the wound with gauze. However, he stuffed the wound so hard that I jumped. The C.O. that was present witnessed this. I told Coe that he would never get a chance to do that again. (Aff. of Terence Banks par. 34)

33. On 12/27/13, Defendant Coe did the wet-to-dry change of my bandage but I would not let him stuff the wound, because of what he did the day before. (Aff. of Terence Banks par. 35)

34. On 12/28/13 & 12/29/13, Defendant Mehring didn't do the wet-to-dry protocol but just change the bandages. (Aff. of Terence Banks par. 36)

37. On 12/30/13, & 12/31/13, Defendant Patton didn't do the wet-to-dry dressing changes even though I asked she just declined.
38. On 1/2/14 & 1/3/14 & 1/4/14 & 1/5/14, my bandages were not changed.
39. On 1/2/14, I went to medical. I refused to allow Defendant Coe to change my bandages because he kept trying to ~~hurt~~ hurt me but I didn't want Coe doing it someone else and they wrote I refused treatment.
40. On 1/6/14, When Patton changed my dressing she said that I had drainage.
41. On 1/7/14, Defendant Coe changed my dressing but we argued because of how he was handling me and my wound.
42. On 1/8/14, Defendant Mehring and I had words about my compression socks. I also complained about not getting my bandages changed daily. I argued that I had the compression socks from the hospital and that it was evident that my leg was huge and I needed the compression socks. I told her that I was going to sue.
43. On 1/9/14, I was told that I could get fitted for a prosthetic arm at the hospital.
44. On 1/10/14, I was given bandages to change my own self.
45. On 1/28/14, Defendant Gorge authorized for the medical staff to give me bandages to change my own arm. Defendant Gorge also authorized that my bandages get changed every (3) days.
46. The whole time I was at Racine County Jail not one nurse washed my right arm and told them more than (30) times that I needed it washed.
47. The whole time I was at Racine County Jail the nurse washed it (10) times my back and I told them more than (30) times I needed help.
48. On January 6, 2016, Attorney (Jaclyn C. Kallie) sent me a letter saying, Enclosed please find an Amended Response to Plaintiff's Request for Production of Document's and Other Things to Defendant Schmaling (Dkt. 87-2). Also enclosed please find copies of the videos of your meeting with Attorney Lanzdorf and your interview by Tracy Hintz. To play the videos, open the DVR player and select the file in the right-hand screen. To hear audio, right click the video image and click "audio out". For the Attorney Lanzdorf meeting, audio can be accessed from camera 2. With regard to the video of your meeting with Attorney Lanzdorf, it is inadmissible as evidence pursuant to Federal Rule of Evidence 408. Ex. P
49. I have not ever been showed by the Defendant's how to wash my (1) hand while being housed at Racine County Jail.
50. On 12/12/13, Banks wrote to HSU in part I would like to know

48. On 2/1/14, I wrote to HSU asking for help and some kind of pain medication because I am in a great deal of pain and I also still have a hole in my left arm and I would like to have a discussion on how I am to clean my arm and would like to have help with the dressing. A unknown person wrote back would healing some open area to skin, continue to use bandage. (Aff. of Terence Banks par. 51)

49. On 1/9/14, The Plaintiff went to Froedtert Hospital and was told that he need to change dressing daily with dry gauze, has a lateral incision and also wet-to-dry dressing changes once daily. (Aff. of Terence Banks par. 52)

50. On 1/3/14, I wrote to HSU I would like my dressing changed and my medication please. Some unknown person wrote back Dressings being done Has Appt. with outside MD soon. Note: I never got the dressing change done. (Aff. of Terence Banks par. 53)

51. On 2/6/14, I wrote to HSU asking about my arm and back being washed and if they were suppose to be doing it because it was not happening, and I have clear open wounds on my arm and skin is very irritated. Some unknown person wrote back rash noticed before issues was addressed. Note: these issues were not addressed. (Aff. of Terence Banks par. 54)

52. On 12/15/14, I wrote to HSU, I would like to know if I have a infection in my arm cause that's the reason they are keeping me on med seg. can I please get a written response and can I please get a response to my other request I sent. No response. (Aff. of Terence Banks par. 55)

53. In Admissions #29, Nurse Leslie was imposed asking: It was generally known and accepted in December 2013 that the best way to prevent the spread of bacteria and other germs was through proper handwashing. Her answer was "objection, deny that handwashing is the best way to prevent the spread of bacteria at all times and under all circumstances. Admit that handwashing is a generally effective way to limit the spread of bacteria and other germs in many circumstances. (Aff. of Terence Banks par. 56)

54. In Admissions # 30, Nurse Leslie was imposed asking: It was clearly difficult for me to engage in proper handwashing, given that I had only one hand. Her answer was "objection, Individuals with a missing or disabled hand, or a hand immobilized in a cast, routinely wash their single functioning hand with little or no difficulty. You were instructed on how to wash your hand. (Aff. of Terence Banks par. 57)

55. In Admissions #34, Nurse Leslie was imposed asking: Exhibit 12, page 2 contains a medical recommendation for wet to dry dressing to be applied to my surgical site twice daily, or at least one time daily. Her answer was Admit. (Aff. of Terence Banks par. 58)

56. In Admissions # 35, Nurse Leslie was imposed asking: My dressings were not changed 2 times daily by RCJ medical staff following the receipt of Exhibit 12. Her answer was Objection, Admit that RCJ medical staff did not change your dressing twice daily every day

indefinitely after 12/13/13; otherwise, Deny. (Aff. of Terence Banks par. 59)

57. On 12/9/13, Banks wrote a Complaint/Grievance about not getting his bandages changed along with the proper care enregards to his dressing since he been at Racine County Jail. It was received on 12/9/13 SIG & PR#DP9508, the plaintiff never received anything after that so he appealed to the Jail Administrator, but received no response. (Aff. of Terence Banks par. 60)

58. On 12/12/13, Banks filed a Complaint/Grievance about not getting help to wash arm and legs and back and that the medical wasn't answering the request slips. It was received on 12/12/13 SIG & PR# W9312, the plaintiff never received anything after that so he appealed to the Jail Administrator, but received no response. (Aff. of Terence Banks par. 61)

59. On 12/10/14, Banks filed a Complaint/Grievance about a rash and getting help to wash back and arm and plaintiff received a response back on 12/11/14 saying if the rash comes back, you will need to write to medical. Capt. Wearing. (Aff. of Terence Banks par. 62)

60. On 2/6/14, Banks filed a Complaint/Grievance about not getting hiss arm and back washed along with medical assistance. Capt. Wearing wrote back see response on 2/7/14. Then the Plaintiff appealed to the Jail Administrator with no response. (Aff. of Terence Banks par. 63)

61. On 2/7/14, Banks filed a Complaint/Grievance about not getting his arm and back washed and pain and irritated skin. On 2/12/14 Capt. Wearing wrote back saying medical states that they showed you now to address this issue. Plaintiff appealed to the Jail Administrator but received no response. (Aff. of Terence Banks par. 64)

62. The Defendant's admit that some of the grievance forms don't have carbon copies and i sent in some that didn't have carbon copies yet they fail to produce any of them document's. (Aff. of Terence Banks par. 65)

63. I filed over (15) different grievances that the Jail couldn't find during discovery. (Aff. of Terence Banks par. 66)

64. The Defendant's did not produce all of the records in there Affidavit that they submitted. (Aff. of Terence Banks par. 67)

65. Tylenol #3 are only used to treat moderate pain. (Aff. of Terence Banks par. 68)

66. I told the nurses more then (15) times that the antibiotic's were not working. (Aff. of Terence Banks par. 69)

67. The document's of Ex. 1 presented by the defendant's don't all have dates on them. (Aff. of Terence Banks par. 70)

68. I asked to be moved out seg. med. because i was having a lot of problems with the CO's. (Aff. of Terence Banks par. 71)

69. Not all post-surgical's amount to infections. (Aff. of Terence Banks par. 72)

70. Infections are not common in institutions settings. (Aff. of Terence Banks par. 73)

71. As long as there right care is there for a patient that has a infection it should not be long until it is cleared up. (Aff. of Terence Banks par. 74)

72. Banks was unable to sleep at times because he was not given his (3) mattresses and was in pain. (Aff. of Terence Banks par. 75)

73. Dr Uppal of Frodtert told Banks if everything was done correctly that his infection would be cleared up in about (2) weeks. (Aff. of Terence Banks par. 76)

Dated this 4 day of April, 2016.

Terence A Banks

Terence Banks #352265

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